

AO 91 (Rev. 11/11) Criminal Complaint

AUSA: Susan Fairchild
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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Gregorio VIGIL RESENDIZ

Case: 2:23-mj-30343

Assigned To : Unassigned

Assign. Date : 8/21/2023

Case No.

Description: RE: GREGORIO VIGIL
RESENDIZ (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 9, 2023 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about August 9, 2023 in the Eastern District of Michigan, Southern Division, Gregorio Vigil Resendiz, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about April 24, 2018, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.*Complainant's signature*Dustyn Swendsen, Deportation Officer*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: August 21, 2023City and state: Detroit, MI*Judge's signature*David R. Grand, United States Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Dustyn Swendsen, declare the following under penalty of perjury:

1. I am a Deportation Officer with the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE). I have been employed in this capacity since May 2018. Currently, I am assigned to the Fugitive Operations Program. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Immigration and Customs Enforcement Officers and record checks of law enforcement databases. I have also reviewed the Alien Registration File and system automated data relating to Gregorio VIGIL RESENDIZ; which attests to the following:
2. VIGIL RESENDIZ is a forty-three-year-old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date without begin admitted, inspected or paroled by an Immigration Officer.
3. On or about October 27, 1999, the former US Immigration and Naturalization Service (USINS) arrested VIGIL RESENDIZ and served him with Form I-862, Notice to Appear. On November 18, 1999, an Immigration Judge in Houston, Texas ordered VIGIL RESENDIZ removed to Mexico. On or about November 30, 1999, USINS removed VIGIL RESENDIZ to Mexico.
4. On or about April 5, 2010, ICE Detroit arrested VIGIL RESENDIZ and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. ICE removed VIGIL RESENDIZ to Mexico on April 20, 2010.
5. On or about February 28, 2011, ICE HSI arrested VIGIL RESENDIZ and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order. ICE removed VIGIL RESENDIZ to Mexico on May 10, 2011.
6. On or about May 4, 2011, the US District Court for the Eastern District of Michigan convicted VIGIL RESENDIZ of 8 USC 1326(a), Illegal Re-entry, and issued a sentence of two months (time served) incarceration.

7. On or about January 29, 2015, the US Border Patrol (USBP) arrested VIGIL RESENDIZ and served him with Form I-871, Notice of Intent/Decision to Reinstatement Prior Order. ICE ERO removed VIGIL RESENDIZ to Mexico on February 10, 2015.
8. On or about April 16, 2015, the US Border Patrol (USBP) arrested VIGIL RESENDIZ and served him with Form I-871, Notice of Intent/Decision to Reinstatement Prior Order. ICE ERO removed VIGIL RESENDIZ to Mexico on July 20, 2015.
9. On or about April 21, 2015, the US District Court for the Southern District of Texas convicted VIGIL RESENDIZ of 8 USC 1325(a)(1), Illegal Entry, and issued a sentence of ninety days incarceration.
10. On or about August 9, 2017, the US Border Patrol (USBP) arrested VIGIL RESENDIZ and served him with Form I-871, Notice of Intent/Decision to Reinstatement Prior Order. ICE ERO removed VIGIL RESENDIZ to Mexico on April 24, 2018.
11. On or about February 6, 2018, the US District Court for the Eastern District of Michigan convicted VIGIL RESENDIZ of 8 USC 1326(a), Illegal Re-entry, and issued a sentence of eight months incarceration.
12. On August 9, 2023, VIGIL RESENDIZ was encountered by immigration officers in Pontiac, Michigan and subsequently taken into ICE custody. VIGIL RESENDIZ's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that VIGIL RESENDIZ is a citizen of Mexico who has been previously removed from the United States. The record checks did not provide any evidence that VIGIL RESENDIZ legally entered the United States or had been issued any legal immigration document to allow him to enter or remain the United States.
13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

14. Review of records from the Alien File (A# XXX XXX 621) for VIGIL RESENDIZ and queries in Department of Homeland Security databases confirm that no record exists of VIGIL RESENDIZ obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States following his removal on April 24, 2018.
15. Based on the above information, I believe there is probable cause to conclude that VIGIL RESENDIZ is an alien who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Dustyn Swendsen, Deportation Officer
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
Executive United States Magistrate Judge

August 21, 2023